IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.34195 of 1998

Dated: 20th June, 2006

Between:

Kolli Venkata Appa Rao

.. Petitioner

and

The General Manager, Cuddapah District
Cooperative Central Bank Ltd.,
Cuddapah & others.

.. Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.34195 of 1998

ORDER:

This writ petition is filed seeking a Mandamus declaring the

action of the respondents in taking steps to attach and sell the land in Survey No.1295 total admeasuring Ac.5-50 cents situated in Duvvuru village and mandal, Cuddapah district belonging to the petitioner as illegal and arbitrary.

It is the case of the petitioner that his mother and paternal aunt, who are the lessees of the above land, have taken crop loan against the said land. Unfortunately both died. The respondents issued E.P. notices No.895/94-95 and 896/94-95 dated 31.1.1995 contemplating to auction the said land. At that stage, the petitioner filed the present writ petition stating that he is the owner of the land in question and he has nothing to do with the crop loans availed by his mother and maternal aunt and neither he stood as surety to the loan availed nor the land was mortgaged and apart from that, no notice of any kind was issued to him in the E.P. proceedings.

Be that as it may, it is an admitted fact that the Award was passed against a dead person and E.P. notices were issued in the name of dead person. Therefore, the proceedings initiated as such, are ex-facie illegal and further not binding on the petitioner.

In view of the above, without expressing any opinion on merits, the respondents are directed to take appropriate steps as per law by putting the petitioner on notice and hear him personally, if necessary, and proceed further in the matter.

With the above direction, the writ petition is disposed of. No order as to costs.

C.V.RAMULU,

J

Date: 20.6.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

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20.6.2006